

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 02-00130 HG-01
)
 Plaintiff,)
)
 vs.)
)
HERMAN LEMUSU,)
)
 Defendant.)
)
)

**ORDER GRANTING DEFENDANT HERMAN LEMUSU'S MOTION FOR REDUCTION OF
SENTENCE (COMPASSIONATE RELEASE) (ECF No. 377)**

Defendant is currently incarcerated at Federal Correctional Institution Terminal Island in California with a projected release date of January 13, 2023.

On September 25, 2020, Defendant, proceeding pro se, filed a Motion requesting a reduction in sentence for compassionate release pursuant to the First Step Act and 18 U.S.C. § 3582(c)(1)(A). (ECF No. 377).

On September 28, 2020, the Court appointed counsel for Defendant to assist him in seeking compassionate release and issued a briefing schedule. (ECF No. 378).

On October 19, 2020, the Government filed its Response to Defendant's Motion. (ECF No. 383). The Government sets forth the standard for compassionate release in its Response and states that it does not oppose Defendant's request for compassionate release given his medical condition, the amount of time remaining

on his sentence, and the analysis of the Section 3553(a) factors.
(Id.)

The Court agrees with the standard and reasoning set forth by the Government in its Response and finds that Defendant has established extraordinary and compelling reasons for his release. The sentencing factors set forth in 18 U.S.C. § 3553(a) also support Defendant's release.

Defendant's MOTION FOR REDUCTION OF SENTENCE (COMPASSIONATE RELEASE) (ECF No. 377) is **GRANTED**.

CONCLUSION

Defendant's Motion For Reduction Of Sentence (Compassionate Release) (ECF No. 377) is **GRANTED** to the extent that Defendant's term of imprisonment as to each of Counts 1 through 6 is reduced to **TIME SERVED PLUS 14 DAYS** to accommodate a quarantine period with the Federal Bureau of Prisons ("BOP").

During the final 14-day period, Defendant Lemusu **SHALL** be quarantined to reduce the possibility that he might be infected and might transmit the COVID-19 virus, especially when traveling to his approved release residence with family in the Western District of Washington. If Defendant Lemusu tests positive for COVID-19 at any time during this quarantine period, the Bureau of Prisons shall notify the Government who will immediately notify the Court so the Order can be modified appropriately.

At the completion of the 14-day quarantine, Defendant Lemusu

SHALL be released to begin his term of supervised release under the supervision of the United States Probation Office in the Western District of Washington, Tukwila Office. The previously imposed five (5) year period of supervised release as to each of Counts 1 and 3, and three (3) year period of supervised release as to each of Counts 2, 4, 5, and 6, with all terms of supervised release to be served concurrently, **SHALL** remain in effect.

Defendant Lemusu **SHALL** abide by all of the mandatory, standard, and special conditions of supervised release previously imposed in addition to the following modification to the mandatory condition relating to the collection of drug tests from Defendant Lemusu by the Probation Office during the term of supervision:

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision.

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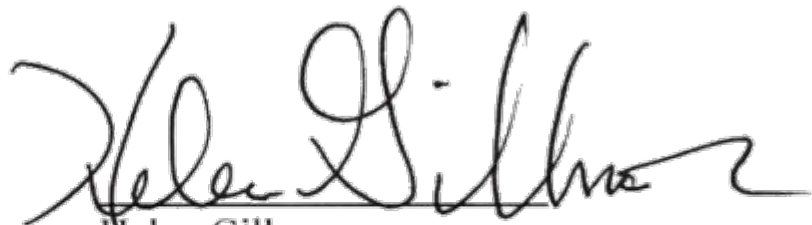
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Defendant is **HEREBY ORDERED** to report by telephone to the United States Probation Office for the Western District of Washington at (206) 370-8950 within 72 hours of his release from Bureau of Prisons custody and to request to speak with the duty officer to schedule a date and time to report for processing into supervision. The United States Probation Office for the Western District of Washington is located at United States Probation Office, United States Courthouse, 700 Stewart Street, Room 10101, Seattle, WA 98101-1271.

IT IS SO ORDERED.

Dated: October 21, 2020, Honolulu, Hawaii.




Helen Gillmor
United States District Judge

United States v. Herman Lemusu, Crim. No. 02-00130 HG-01; **ORDER GRANTING DEFENDANT HERMAN LEMUSU'S MOTION FOR REDUCTION OF SENTENCE (COMPASSIONATE RELEASE) (ECF No. 377)**